United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1415

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1415, a bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. LUGAR), the Senator from Alabama (Mr. SHELBY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. CON. RES. 53

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

AMENDMENT NO. 1273

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 2658, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise to introduce along with Senator LAUTENBERG the Teacher Education for Autistic Children, TEACH, Act of 2003, legislation that will highlight the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and helping ensure vocational programs to assist people with autism transition from school to work are functioning as intended.

Autism is a developmental disability characterized by atypical, often repetitive behaviors and deficits in social and communication skills. Though it is difficult to determine an exact number, some researchers believe that an astounding 1 out of 250 of our Nation's children are in some way affected by this disorder.

Perhaps even more alarming is the fact that the number of children diagnosed with some form of autism has increased significantly throughout the country over the past decade. Take my State for example—according to the New Jersey Department of Education in 1991, there were 241 children in our schools who had been diagnosed with autism. By 2001, that figure had risen to 3,984, a staggering increase of 1,548 percent.

While the cause of autism and its cure are unknown, we are aware that the best treatment for these children is early intervention from qualified teachers. The TEACH Act of 2003 would go a long way in improving services for these children by providing teachers with the necessary training and helping school districts in hiring qualified autism teachers.

Specifically, the TEACH Act authorizes $15 million a year for five years to provide education or professional development training for current teachers or students who want to be special education teachers, teachers' aides, or other professionals who work with autistic children.

The TEACH Act also establishes a loan forgiveness program for qualified teachers of autistic children to help them pay off college loans or loans associated with taking continuing education courses related to autism. This incentive of up to $20,000 to help pay off college loans will go a long way in attracting more qualified individuals into special education.

The bill also includes provisions that establish State Autism Ombudsman Offices that would act as clearinghouses for families who are seeking information on services, education, and other resources to help their children achieve the full and happy lives they deserve. It also creates a national Task Force to evaluate and make recommendations regarding best practices for the education of autistic children.

Finally, this legislation requires a joint Department of Labor/Department of Education study to evaluate existing vocational programs available for people with autism in order to ensure that such individuals have access to quality jobs and their own independence.

The TEACH Act will go a long way to help autistic families by giving their children the opportunity to achieve the highest quality of life. I urge my colleagues to support this important legislation, which has the power to improve thousands of lives.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Teacher Education for Autistic Children Act of 2003'' or the ''TEACH Act of 2003''.

SEC. 2. TRAINING OF SPECIAL EDUCATION TEACHERS WITH EXPERTISE IN AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for ''Special Education–Personnel Preparation to Improve Services and Results for Children with Disabilities'', there are authorized to be appropriated for ''Special Education–Personnel Preparation to Improve Services and Results for Children with Disabilities'', for each of the fiscal year 2004 through 2008, $15,000,000—

(1) to provide technical assistance grants to develop standards for training teachers with respect to the provision of education for children with autism spectrum disorders (ASD) and to integrate such standards into the existing training infrastructure;

(2) to train special education teachers with an expertise in autism spectrum disorders; and

(3) to provide preservice or professional development training of personnel to be special education teachers, aides of such teachers or other paraprofessionals providing teaching assistance, special education administrators, or staff specialists (such as speech-language pathologists and school psychologists) with an expertise in autism spectrum disorders.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 3. IMPROVING RESULTS FOR CHILDREN WITH AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated to carry out subpart 1 of part D of the Individuals with Disabilities Education Act, there are authorized to be appropriated for each of the fiscal years 2004 through 2008 $5,000,000 for competitive grants under subpart 1 of part D of such Act to assist State educational agencies, in cooperation with other appropriate entities, to improve results for children with autism spectrum disorders (ASD).

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 4. EXPANDED LOAN FORGIVENESS PROGRAM FOR TEACHERS OF AUTISTIC CHILDREN.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of Education (in this section referred to as the ''Secretary'') shall carry out a program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 or part D of such title (excluding loans made under sections 428B and 428C of such Act or comparable loans made under part D of such title) for any borrower who—

(A) is employed, for 3 consecutive complete school years, as a full-time special education teacher of autistic children;

(C) satisfies the requirements of subsection (d); and

(D) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN REPAYMENT.—

(1) ELIGIBLE AMOUNT.—The amount the Secretary may repay on behalf of any individual under this section shall not exceed—

(A) the sum of the principal amounts outstanding (not to exceed $5,000) of the individual's qualifying loans at the end of 3 consecutive complete school years of service described in subsection (a)(1)(B);

(B) an additional portion of such sum (not to exceed $5,000) at the end of each of the next 2 consecutive complete school years of such service; and

(C) a total of not more than $20,000.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under part B or D of title IV of the Higher Education Act of 1965.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

(d) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) YEARS OF SERVICE.—An eligible individual may apply for loan repayment under this section after completing the required number of years of qualifying employment.

(3) FULLY QUALIFIED TEACHERS IN PUBLIC ELEMENTARY OR SECONDARY SCHOOLS.—An application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant—

(A) if teaching in a public pre-kindergarten, kindergarten, elementary, middle, or secondary school (other than as a teacher in a public charter school), has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

(B) if teaching in—

(i) a public pre-kindergarten, kindergarten, or elementary school, holds a bachelor's degree and demonstrates knowledge and skills for teaching children with autism spectrum disorders; or

(ii) a public middle or secondary school, holds a bachelor's degree and demonstrates a high level of competency for teaching children with autism spectrum disorders, through—

(I) a high level of performance on a rigorous State or local academic subject areas test; or

(II) completion of an academic major specializing in autism or severe disabilities with a concentration in autism spectrum disorders.

(4) TEACHERS IN NONPROFIT PRIVATE ELEMENTARY OR SECONDARY SCHOOLS OR CHARTER SCHOOLS.—In the case of an applicant who is teaching in a nonprofit private pre-kindergarten, kindergarten, elementary, or secondary school, or in a public charter school, an application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant has knowledge and skills for teaching children with autism spectrum disorders, as certified by the chief administrative officer of the school.

(e) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a consolidation loan made under section 428C of the Higher Education Act of 1965, or a Federal Direct Consolidation Loan made under part D of title IV of such Act, may be a qualified loan amount for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

(1) a loan made under section 428 or 428H of such Act; or

(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of such Act.

(f) ADDITIONAL PROVISIONS.—

(1) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(2) DEFINITION OF TEACHER OF AUTISTIC CHILDREN.—The term ''teacher of autistic children'' means an individual who provides instruction to children who have been diagnosed by a physician or a psychologist as having an autism spectrum disorder.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2008.

SEC. 5. REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.

(a) REPORT.—Section 613 of the Individuals with Disabilities Education Act (20 U.S.C. 1413) is amended by adding at the end the following:

''(k) REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.—

''(1) IN GENERAL.—A local educational agency that receives assistance under this part for a fiscal year shall prepare and submit to the Secretary a report that contains a description of the activities referred to in paragraph (2) carried out in the preceding fiscal year.

''(2) INFORMATION.—The activities referred to in this paragraph are the following:

''(A) Activities carried out by the agency to ensure that students who exhibit symptoms of autism spectrum disorders (ASD) are referred to appropriate experts for diagnosis.

''(B) Appropriate training provided by the agency, or on behalf of the agency, of personnel of the agency and schools of the agency to carry out the activities described in subparagraph (A).

''(3) DEFINITION.—In this subsection, the term 'autism spectrum disorders' has the meaning given the term in section 9 of the Teacher Education for Autistic Children Act of 2003.''.

(b) TECHNICAL ASSISTANCE.—The Secretary of Education shall provide technical assistance to local educational agencies that receive assistance under part B of the Individuals with Disabilities Education Act to assist such agencies comply with the reporting requirement under section 613(k) of such Act (as added by subsection (a)).

SEC. 6. TASK FORCE ON AUTISM SPECTRUM DISORDERS.

(a) ESTABLISHMENT.—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services, shall establish and provide administrative support for a Task Force on Autism Spectrum Disorders (ASD) (in this section referred to as the ''Task Force'').

(b) DUTIES.—The Task Force shall—

(1) conduct a review of minimum standards relating to the provision of special education for children with autism spectrum disorders and provide recommendations to improve or otherwise strengthen such standards;

(2) conduct a review of the effectiveness of existing educational models used with respect to the provision of special education for children with autism spectrum disorders; and

(3) conduct an evaluation of programs carried out by State and local educational agencies to train teachers with respect to the provision of special education for children with autism spectrum disorders and provide recommendations to improve and expand such programs.

(c) COMPOSITION.—

(1) IN GENERAL.—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services and in consultation with the Director of the National Research Council (or the Director's designee), shall appoint members of the Task Force as follows:

(A) Not less than two members shall be representatives from national autism organizations.

(B) Not less than one member shall be an individual with an autism spectrum disorder or a parent (or legal guardian) of such an individual.

(C) Not less than two members shall be teachers with experience in working with children with autism.

(D) Not less than two members shall be appropriate officers or employees of the Department of Education.

(E) Not less than two members shall be appropriate officers or employees of the Department of Health and Human Services (to be appointed in consultation with the Secretary of Health and Human Services).

(2) COMPENSATION.—

(A) RATES OF PAY.—Except as provided in subparagraph (B), members of the Task Force shall be paid at the maximum rate of basic pay for GS–14 of the General Schedule for each day during which they are engaged in the actual performance of duties of the Task Force.

(B) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Task Force who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Task Force.

(C) TRAVEL EXPENSES.—Each member of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the subsequent four calendar years, the Task Force shall prepare and submit to the Secretary of Education a report that contains the results of the reviews and evaluations conducted pursuant to subsection (b) and a description of the recommendations proposed pursuant to such subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $500,000 for fiscal years 2004 through 2008.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

SEC. 7. STUDY AND REPORT ON FEDERAL VOCATIONAL TRAINING PROGRAMS.

(a) STUDY.—The Secretary of Education, in conjunction with the Secretary of Labor (hereinafter in this section referred to as the ''Secretaries''), shall conduct a study on the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders (ASD)

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report that contains the following:

(1) The results of the study conducted under subsection (a).

(2) Administrative and legislative recommendations to improve the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders.

(3) Recommendations on appropriate data that should be collected, maintained, and disseminated in order to better monitor the effectiveness of each vocational training program that serves individuals with autism spectrum disorders.

SEC. 8. STATE AUTISM OMBUDSMAN OFFICES.

(a) GRANTS TO STATES.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (d) for a fiscal year, the Secretary of Education shall provide grants to each State that meets the requirements of subsection (b) for the purpose of carrying out this section.

(b) STATE REQUIREMENTS.—A State meets the requirements of this subsection if it establishes and operates (including through the use of funds provided under a grant under subsection (a)) at least one State autism ombudsman office in accordance with this section. The office shall be headed by an individual who shall be selected from among individuals who are members of, or approved by, national, non-profit organizations, including their State and local affiliate organizations, dedicated to addressing, by whatever means, the needs of individuals with autism spectrum disorders or their families or legal guardians.

(c) DUTIES OF OFFICE.—

(1) IN GENERAL.—A State autism ombudsman office established in accordance with subsection (b) shall serve individuals with autism spectrum disorders and their families or guardians as a resource to assist with legal, educational, and family support systems issues, including by advising families or guardians on the process of the individualized education program, interpreting school communications regarding a child who exhibits autistic behavior, proposing alternatives to those proposed by the IEP team, and otherwise mediating between families or guardians of a child with an autism spectrum disorder and officials of local or State public school systems, agencies, or boards.

(2) DEFINITION.—In this subsection, the term ''individualized education program'' or ''IEP'' means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with section 614(d) of the Individuals with Disabilities Education Act.

(d) REQUIREMENTS.—A State autism ombudsman office established in accordance with subsection (b) shall—

(1) coordinate with the State developmental disabilities council, university-affiliated programs, regional resource centers, and other appropriate State entities; and

(2) operate independently of the State educational agency and local educational agencies within the State.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2004 through 2008.

SEC. 9. DEFINITION.

In this Act, the term ''autism spectrum disorder'' has the meaning given the term by the Diagnostic and Statistical Manual of Mental Disorders–Fourth Edition (DSM–IV).

By Mr. MCCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I rise today to speak about abusive litigation in America. Unfortunately, a personal injury lawyer's desire for a big payday by any theory imaginable is never satisfied, and so I come yet again to speak about tort reform—an issue I have worked on nearly every year that I have been in the Senate.

America is blessed with an abundant food supply and an overwhelming number of food choices. With so many choices, some of us overdo it. That over indulgence, combined with an under indulgence of exercise can sometimes have negative health consequences. But most of us take responsibility for the amount—and the type—of food we put in our mouth, and we accept the consequences of those decisions.

Personal injury lawyers, however, are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. And so the latest targets of predatory lawyers are the people producing and selling food. That is right. This money-hungry gang is going after ''Big Food.'' If it were not so frightening, it would be funny.

This is a disturbing turn of events and a further indication of the erosion of personal responsibility in America. People claiming their weight gain is the fault of the food manufacturers or seller have already begun filing lawsuits. Think of the absurdity of that logic. How long will it be until those who get speeding tickets begin to sue car manufacturers for building a car that people may decide to drive too fast?

Many Americans need to take greater care in what—and how much—they eat. But it is also time to curb the voracious appetite of the personal injury lawyers and put an end to this ridiculous and costly litigation before it gets out of hand

That is why today I am introducing the Commonsense Consumption Act.

My bill would prohibit suits against food manufacturers and sellers for claims of injury resulting from a person's weight gain, obesity or health condition related to weight gain or obesity.

Any such suit pending on the date of enactment of this bill would be dismissed.

Let me be clear. This bill does not provide widespread legal immunity for the food industry. It only provides protection from abusive suits by people seeking to blame someone else for their poor eating habits.

This bill would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate a Federal or State statute applicable to the manufacture and sale of food.

This bill would not apply to lawsuits for breach of contract or express warranty. And this bill would not apply to claims related to ''adulterated'' food.

I should mention that Representative Ric Keller has introduced similar legislation in the House. His bill, entitled the Personal Responsibility in Food Consumption Act has received a hearing and has attracted a significant number of cosponsors. My bill is worded a bit differently than Representative Keller's but I believe it is safe to say that both bills aim for the same result: an end to these absurd lawsuits.

Just a few years ago, the whole idea of blaming, and suing, someone else for your own eating habits was comical.

In fact, in August of 2000 the satirical publication ''The Onion'' carried a spoof news story entitled ''Hershey's Ordered To Pay Obese Americans $135 Billion.''

The story began: In one of the largest product-liability rulings in U.S. history, the Hershey Foods Corp. was ordered by a Pennsylvania jury to pay $135 billion in restitution to 900,000 obese Americans who for years consumed the company's fattening snack foods.

The article continued by saying: [The five-state class-action suit accused Hershey's of ''knowingly and willfully marketing rich, fatty candy bars containing chocolate and other ingredients of negligible nutritional value.'' The company was also charged with . . . artificially ''spiking'' Their products with such substances as peanuts, crisped rice, and caramel to increase consumer appeal.

That story was humorous in August of 2000. It is not funny any longer. Personal injury lawyers are now attempting to turn that satirical story into reality.

We have seen press reports that just a few weeks ago a group of more than a hundred money-hungry lawyers and activists met in Boston to plan strategy for suing food manufacturers and sellers.

As I mentioned, some of these personal injury lawyers have already started suing. We have seen suits against restaurants, suits against cookie makers, and there are more to come.

One lawyer has reportedly sent letters to restaurants telling them to meet his demands or he will sue. This same trial lawyer ring-leader has also threatened to sue local school districts and even individual members of the school board. Have these lawyers no shame?

But perhaps these lawyers have finally bitten off more than they can chew. When they sue come big corporation, most people probably do not pay much attention. But when you start dragging the local school board members into court and forcing them to spend thousands and thousand of tax dollars defending against frivolous claims, well as we say in Kentucky that is a horse of a different color.

When Americans hear what these lawyers are up to I do not think they are going to like it. I know the voters in Kentucky are not interested in seeing more abusive lawsuits about obesity, and they certainly are not interested in paying more at the cash register in order to finance some personal injury lawyers' extravagant lifestyle.

These lawsuits are expensive to defend and the lawyers know that. The lawyers are not really interested in consumers, they are looking for a settlement, a big settlement, that will make them rich and enable them to clog the courts with more frivolous cases.

Make no mistake about it. These lawsuits seek only to fatten personal injury lawyers' wallets. And that will result in higher food prices for consumers.

It is time to stop this abuse now and it is time to remind people that personal responsibility is the issue here. People must take responsibility for their actions.

As one weight loss guru said on CNN earlier this year when he was asked about obesity suits against restaurants:

There is always going to be greasy, fried, salty, sugary food. It is up to the individual to walk in and say, I don't want those fries today. I have 40 pounds to lose. It is not the fault of the fast food people, and anyone who's trying to sue the fast food places needs a therapist, not an attorney. You have to make your own decisions. That's what the freedom in America is all about.

Never in my wildest dreams did I think I would be quoting Richard Simmons on the Senate floor, but he has perfectly summed it up pretty well, as I just described.

Making your own decisions is what freedom is all about. And with freedom comes responsibility. We have the freest society on the planet, but folks need to start exercising some responsibility with their freedom. Do not blame others for your bad habits. You are responsible for what you put in your mouth, and parents are responsible for what their children put in their mouth. It is that simple. The plaintiff's bar may not like that fact, but it is truly that simple.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senator FEINSTEIN in introducing the Family Planning State Empowerment Act of 2003. This legislation would provide States with a mechanism to improve the health of low-income women and families by allowing States to expand family planning services to additional women under the Medicaid program.

The Federal Government currently reimburses States for 90 percent of their expenditures for family planning services under Medicaid, due to the importance of these for low-income women. This reimbursement rate is higher than for most other health care services.

Generally, women may qualify for Medicaid services, including family planning, in one of two ways: they have children and an income level below a threshold set by the State, ranging from 15 to 86 percent of the Federal poverty level; or they are pregnant and have incomes up to 133 percent of the poverty level, federal law allows states to raise this income eligibility level to 185 percent, if they desire. If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for sixty days following delivery. After those sixty days, the woman's Medicaid eligibility expires.

If States want to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a so-called ''1115'' waiver. These waivers allow States to establish demonstration projects in order to test new approaches to health care delivery in a manner that is budget-neutral to the Federal Government.

To date, these waivers have enabled eighteen States to expand access to family planning services. Most of these waivers allow states to extend family planning to women beyond the sixty-day post-partum period. This allows many women to increase the length of time between births, which has significant health benefits for women and their children. For this reason, an Institute of Medicine report recommended that Medicaid should cover family planning services for two years following a delivery.

Some of the waivers allow States to provide family planning to women based solely on income, regardless of whether they qualify for Medicaid due to pregnancy or children. In general, States have used the same income eligibility levels that apply to pregnant women, 133 percent or 185 percent of the poverty level, creating continuity for both family planning and prenatal care services. These expanded services also help states reduce rates of unintended pregnancy and the need for abortion.

My State of Rhode Island was one of the first States to obtain one of these waivers, and has had great success with it in terms of preventing unintended

pregnancies and improving public health in general. Rhode Island's waiver has averted 1,443 pregnancies from August 1994 through 1997, resulting in a savings to the state of $14.3 million. In addition, Rhode Island's waiver has assisted low-income women with spacing-out their births. The number of low-income women in Rhode Island with short inter-birth intervals, becoming pregnant within 18 months of having given birth, dropped from 41 percent in 1993 to 29 percent in 1999. The gap between Medicaid recipients and privately insured women was 11 percent in 1993, compared with only 1 percent—almost negligible—in 1999. As these statistics show, these waivers are extremely valuable and serve as a huge asset to the women's health, not only to my constituents but to constituents in the thirteen other states who currently benefit from these waivers.

Unfortunately, the waiver process is extremely cumbersome and time consuming, taking up to three years for States to receive approval from the federal government. This may discourage States from applying for family planning waivers, or at the very least, delay them from providing important services to women.

Our bill would rectify this problem by allowing States to extend family planning services through Medicaid without going through the waiver process. Eliminating the waiver requirement will facilitate State innovation and provide assistance to more low-income women.

This bill will allow States to provide family planning services to women with incomes up to 185 percent of the Federal poverty level. For low-income, post-partum women, States will no longer be limited to providing them with only sixty days of family planning assistance. States may also provide family planning for up to one year to women who lose Medicaid-eligibility because of income.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Planning State Empowerment Act of 2003''.

SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

''STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

''SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

''(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved; or

''(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

''(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

''(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

''(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

''(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

''(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

''(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking ''eligible under the plan, as though'' and inserting ''eligible under the plan—

''(A) as though'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator CHAFEE to introduce a bill to give States the flexibility to provide family planning services to low-income women who do not qualify for Medicaid.

Under current law, in order to qualify for family planning services provided by the Medicaid program, a women would either have to have children and an income level below a threshold set by the State, ranging from 15–86 percent of the Federal poverty level, or be pregnant and have an income up to 133 percent of the poverty level; Federal law allows States to raise this income eligibility level to 185 percent, if they desire.

If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for 60 days following delivery. After those 60 days, the woman's Medicaid eligibility expires.

If a State wants to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a waiver. Currently, 18 States have waivers approved by the Federal Government. The waiver process is extremely cumbersome and time consuming, often taking up to three years to receive approval from the Federal Government.

This bill would once and for all allow States to provide crucial family planning to low-income women under the Medicaid program. It would eliminate the waiver process for these services and would give authority back to the States to determine what populations of low income women they want to provide family planning services to.

California currently receives $100 million annually, until 2004, as part of its five-year waiver to provide family planning services to low income women. with these funds, California provides services to more than 900,000 women each year.

The State estimates that because of these services, at least 50,000 unintended pregnancies are prevented each year.

In addition to contraceptives, the family planning funds are used for sexually transmitted disease screening and treatment, HIV screening and counseling, basic infertility services and pregnancy testing and counseling.

Officials involved in the program estimate that for every $1 invested in family planning, $3 are saved in pregnancy and health-care related costs.

In California, it is estimated that providing low-income women with access to family planning will save the State more then $900 million over the course of the five-year waiver.

I believe this legislation is more important now than ever.

Each year, approximately 3 million pregnacies, or about half of all pregnancies, are unintended. Increasing access to family planning services could help avert these 3 million unintended pregnancies and all the decisions and costs associated with either continuing or terminating a pregnancy.

Family planning services give women the necessary tools to space the births

of their children, which improves women's health and reduces rates of infant mortality.

Medicaid family planning is also cost effective. For every $1 invested in family planning, $3 are saved in pregnancy and health care-related costs.

Family planning and reproductive health services are much more than just accessing contraceptives. Services provided include screening and treatment for sexually transmitted diseases and HIV, basic inferility services and pregnancy testing and counseling. Women can receive pap smears and breast exams, which are crucial to detecting cervical and breast cancer.

Low income women deserve access to family planning and reproductive health services. And States should not have to ask the Federal Government for permission to use Medicaid funds to provide these essential services.

We can afford to shut the door on those who cannot otherwise afford family planning and reproductive health services.

I urge my colleagues to join me in supporting this important legislation.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Erskine House in Kodiak, AK, which houses the Baranov Museum, is one of a very few Russian period structures remaining in the Western Hemisphere. It is of great historical significance not only for this reason, but also because it is the only surviving structure known to have been associated with both the Russian America Company and the Alaska Commercial Company, the pillars of Russian and early American administration of Alaska.

The Erskine House/Baranov Museum is owned by the City of Kodiak and operated by the Kodiak Historical Society. It is a popular visitor attraction in Kodiak. Its collections include artifacts from the Russian American Company and the Alaska Commercial Company and also include Alaska Native, Russian and other cultural exhibits. I am told that the structure, although it has had many owners, maintains much of its original historic integrity.

The Erskine House was designated a National Historic Landmark on June 2, 1962. Shortly thereafter the National Park Service initiated consideration of including this important property in the National Park System. On February 11, 2000, the Department of the Interior formally sought funds from Congress to study the possible inclusion of the Erskine House in the system. The Congress responded by earmarking $250,000 in fiscal year 2002 appropriations for he Erskine House, some of which could be used to conduct the study and the remainder for preservation and maintenance of the facility.

I am sad to report that the National Park Service has not initiated this study. The National Park Service has indicated that it cannot initiate the study without the express direction of Congress and that congressional intent to do so cannot be inferred from the language of the appropriation. However, the good news is that a sufficient portion of the $250,000 appropriation remains unexpended and I understand that it is available to be expended on the study. The expenditure of funds on the study will not interfere with plans to spend other portions of the $250,000 appropriation to rehabilitate the structure. The City of Kodiak and the Kodiak Historical Society have expressed support for the study. What we need is for Congress to authorize the study.

The legislation that I am introducing today would do just that. It directs the Secretary of the Interior to conduct a study of the Erskine House/Baranov Museum for the purpose of determining the suitability and feasibility of designating the museum as a unit of the National Park Service. I would like to see this study proceed with all deliberate speed. Accordingly, the legislation also requires that the Secretary report to appropriate committees of the Congress on the findings of the study and the Secretary's conclusions and recommendations within one year of the date upon which this legislation is enacted.

I want to commend the City of Kodiak and the Kodiak Historical Society for their loving care of this important structure. Perhaps this excerpt, from a July 7, 2003 letter that I received from Stacey Becklund, Director of the Kodiak Historical Society states it best, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the excerpt from the letter was ordered to be printed in the RECORD, as follows:

The [Erskine House and the Baranov Museum] are some of Kodiak's most cherished treasures. both assets have matured through labors and love of staff, volunteers and members of the community. We, at all levels of government and community, will benefit from a thorough and accurate study to assess the future ownership of this structure.

I am privileged to lend my voice to the voices of the people of Kodiak, many of whom believe that this very important historic site is a national treasure, as well as a local one. I hope that this legislation will receive expeditious consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Baranov Museum Study Act''.

SEC. 2. STUDY AND REPORT.

(a) STUDY.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') shall conduct a study of the Baranov Museum in Kodiak, Alaska, to determine the suitability and feasibility of designating the museum as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, supra.

SA 1278. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1279. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1280. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, supra.

SA 1281. Mr. BYRD proposed an amendment to the bill H.R. 2658, supra.

SA 1282. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. LIEBERMAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1283. Mr. BYRD (for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Mr. HARKIN, and Ms. CANTWELL) proposed an amendment to the bill H.R. 2658, supra.

SA 1284. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1285. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 2658, supra.

SA 1286. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1287. Mr. STEVENS (for Mr. ALLARD (for himself, Mr. NELSON, of Florida, Mr. CAMPBELL, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1288. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1289. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1290. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 2658, supra.

SA 1291. Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill H.R. 2658, supra.

SA 1292. Mr. STEVENS (for Mr. WARNER (for himself, Ms. COLLINS, and Mr. SESSIONS))